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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,806

10/03/2006

Ralph Painta

INA-PT187 (43640-18us)

1589

3624 7590 10/28/2008

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EXAMINER

REESE, ROBERT T

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,806	<b>Applicant(s)</b> PAINA ET AL.	
	<b>Examiner</b> ROBERT T. REESE	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/12/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-6 as originally filed, are currently pending and considered below.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "damping device that acts in conjunction with the spring element". There is insufficient antecedent basis for this limitation in the claim. A "damping device" is never discussed in the specification, beyond the damping that results from the spring element.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uwe et al. (DE 10253495) in view of Brock et al (2,392,573).

As per claim 1, Uwe et al disclose: Traction mechanism drive (Figure 1) comprising an integrated generator (attached to element 3) with a traction mechanism roller (exterior of 2), which is arranged on a generator shaft (attached to element 3), on which a traction mechanism is guided (exterior of 2), the traction mechanism roller is decouplable from a generator shaft of the generator via a freewheel (2) for damping peak loads appearing on a drive side. (Figure 1 depicts all of these features)

However, Uwe et al. does not disclose: the generator is mounted in a displaceable manner in order to set the traction mechanism in tension counter to a restoring force.

Brock et al. disclose a tractor generator mounting in which the generator (13) is displaceably mounted (depicted in figure 1) and is set in tension (by spring 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the starter generator as taught by Uwe et al. to incorporate the generator mounting as taught by Brock et al. to increase the tension on the drive belt for better performance of the belt drive and to reduce vibrations on the belt.

As per claim 2, Uwe et al. disclose that the generator is a starter generator (paragraph 25, which is the description of Figure 1).

As per claims 4 and 5, the combination of Uwe et al and Brock et al. disclose all of the structural limitations of claim 1 above.

However, Uwe et al. does not disclose: that the generator is set in tension or compression by a mechanical spring element or that a damping device acts in conjunction with the spring element.

Brock et al. disclose a tractor generator mounting which includes a mechanical spring element (27). (The resultant damping would be inherent to the action of the spring.) (See the 112 rejection above.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the starter generator as taught by Uwe et al. to incorporate the generator mounting as taught by Brock et al. to increase the tension on the drive belt for better performance of the belt drive and to reduce vibrations on the belt.

As per claim 6, Uwe et al. disclose that tractor mechanism is a belt (description of Figure 1).

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8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Uwe et al (DE 10253495) and Brock et al. (2,392,573) further in view of Hans et al. (4,973,290).

As per claim 3, the combination of Uwe et al and Brock et al. disclose all of the structural limitations of claim 1 above.

However, the combination of Uwe et al. and Brock et al. does not explicitly disclose that the generator is mounted in a displaceable manner by a hydraulic element.

Hans et al. discloses an automatic tensioning device with hydraulic shock damper (6) (Column 4, line 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the starter generator as taught by the combination of Uwe et al. and Brock et al. to incorporate the hydraulic shock damper as taught by Hans et. al. to maintain the tension on the drive belt for better performance of the belt drive and to reduce vibrations on the belt.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roberts (3,274,841) discloses a continuous tension belt adjusting bracket. Melvissen et al. (6,083,130) discloses a serpentine drive system with improved over-running alternator decoupler. Kraus et al. (2004/0227400) discloses a tensioner with an adjustable biasing force of a traction member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT T. REESE whose telephone number is (571) 270-5794. The examiner can normally be reached on M\_F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RTR

/Robert A. Siconolfi/  
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